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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

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15 WESTERN WATERSHEDS PROJECT, *et al.*,

16 Plaintiffs,

17 v.

18 UNITED STATES FOREST SERVICE,
19

20 Defendant.

) No. 08-CV-1460 PJH

) DEFENDANT'S STATEMENT OF
) NON-OPPOSITION TO CALIFORNIA
) CATTLEMEN'S ASSOCIATION
) MOTION TO INTERVENE

) Date: July 23, 2008

) Time: 9:00 a.m.

) Hon. Phyllis J. Hamilton
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1 Pursuant to Local Rule 7-3(b), defendant United States Forest Service hereby submits
2 this statement of non-opposition to the motion to intervene of the California Cattlemen's
3 Association [Dkt. #18], to the extent that the proposed intervenor seeks permissive intervention.

4 Defendants note for the Court that the United States Court of Appeals for the Ninth
5 Circuit has addressed intervention as of right by private intervenors in actions, like this one,
6 brought under the National Environmental Policy Act, 42 U.S.C. §§ 4321-4370f. *Kootenai*
7 *Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1108 (9th Cir. 2002). There, the court held that the
8 district court did not abuse its discretion in granting permissive intervention, under Federal Rule
9 of Civil Procedure 24(b). 313 F.3d at 1111.

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12 Dated: June 25, 2008

Respectfully submitted,

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